

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2010-007912-002 DT

07/02/2013

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT  
S. Yoder  
Deputy

STATE OF ARIZONA

KIRSTEN VALENZUELA  
HILARY L WEINBERG  
JOSEPH I VIGIL

v.

ELDRIDGE AUZZELE GITTENS (002)

SUSAN L COREY  
PETER JONES

CAPITAL CASE MANAGER

ORAL ARGUMENT

10:00 a.m.

Courtroom SCT 5B

State's Attorney:	Hilary L. Weinberg and Kirsten Valenzuela
Defendant's Attorney:	Susan L. Corey and Peter Jones
Defendant:	Present

Court Reporter, Laura Ashbrook, is present.

A record of the proceeding is also made by audio and/or videotape.

Also present is Co-Defendant Darnell Reuna Jackson (001) with counsel, Alan Issa Tavassoli and Andrew Clemency.

This is the time set for Oral Argument on pending motions.

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The Court notes that counsel for the Maricopa County Sheriff's Office was not endorsed on the minute entry setting this hearing, therefore argument on Defendants' Motion to Dismiss re: Jail Search must be reset.

Ms. Corey requests an Evidentiary Hearing on the Motion to Dismiss re: Jail Search. The Court will not set an Evidentiary Hearing on this Motion without giving counsel for the jail an opportunity to respond.

Argument is heard on Defendant Gittens' Motion to Waive the Jury in the Penalty Phase. Ms. Corey requests an Evidentiary Hearing on the Motion.

The Court defers ruling on Gittens' Motion to Waive the Jury in the Penalty Phase pending determination of whether an Evidentiary Hearing will be conducted.

IT IS ORDERED that on or before **July 16, 2013**, Ms. Corey shall file a proposal regarding an Evidentiary Hearing setting forth the witnesses, evidence and a summary of the information she wants to present.

Argument is heard on Defendant Jackson's (joined by Gittens) Motion to Strike Aggravating Circumstances.

For the reasons stated on the record,

IT IS ORDERED denying the Motion to Strike Aggravating Circumstances.

Argument is heard on Defendant Jackson's (joined by Gittens) Motion to Preclude Evidence of Victim's Status.

For the reasons stated on the record,

IT IS ORDERED denying the Motion to Preclude Evidence of Victim's Status.

Discussion is held regarding additional pending motions.

IT IS ORDERED setting Oral Argument on **July 19, 2013 at 11:00 a.m.** on the following motions:

1. Defendant Gittens' Renewed Motion to Allow the Defense to Photograph Mr. Gittens' Conditions of Confinement (filed June 11, 2013)

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2. Defendant Gittens' (joined by Jackson) Motion to View Evidence and Bar the Prosecution from Observing (filed May 16, 2013)
3. Defendant Gittens' Motion to Waive the Jury in the Penalty Phase (filed February 6, 2013)

Counsel should be prepared on July 19<sup>th</sup> to discuss additional motions that need to be argued.

IT IS ORDERED granting Defendant Gittens' motions to join Defendant Jackson's Motion to Strike Aggravating Circumstances and Defendant Jackson's Motion to Preclude Evidence of Victim's Status.

IT IS FURTHER ORDERED affirming Final Trial Management Conference set for **January 6, 2014 at 8:30 a.m.** and Firm Trial Date on **January 13, 2014 at 10:00 a.m.** in this Division.

IT IS FURTHER ORDERED affirming prior custody orders.

CURRENT LAST DAY: **January 27, 2014.**

11:03 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.